

Dead N.B. teen's family calls for broader inquest

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[CBC News](#)



Ashley Smith, who died of asphyxiation in a cell in a federal prison near Kitchener, Ont., in 2007, is shown in this undated photo. (Courtesy of Ashley Smith's family)

The family of Ashley Smith, a New Brunswick teenager who died in an Ontario prison in 2007, is boycotting an inquest into her death because they say the scope of the investigation is too narrow.

Smith, who committed a series of minor offences, including throwing crab apples at a letter carrier, spent 2003 to 2006 in two New Brunswick correctional facilities.

She was later transferred to several different federal prisons across Canada, eventually arriving at a federal women's prison near Kitchener, Ont., where she was found dead in her cell in October 2007.

The 19-year-old died of asphyxia with a ligature around her neck.

Julian Falconer, the lawyer for Smith's family, told CBC News that the inquest, which will focus exclusively on Smith's treatment at the Kitchener-area Grand Valley Institution, will not provide a broad enough examination of the circumstances that led to the teenager's death.

Smith's family said she was transferred 17 times among nine different institutions across four provinces between October 2006 and her death a year later.

They said in the end, she was being held in solitary confinement 23 hours a day and was often shackled in a padded body bag.

A federal corrections investigator interviewed by the CBC's *The Fifth Estate* concluded that by transferring Ashley to new institutions every few weeks, corrections officials skirted rules governing the use of segregation.

Falconer said the family is deeply concerned by the circumstances that they feel contributed to their daughter's psychological deterioration, and would like the time leading up to her arrival at the Grand Valley Institution included in the inquiry.

"They're faced with a sad reality that the process they are being presented with is simply inadequate to look at the circumstances surrounding Ashley's death," Falconer told CBC News.

"To look at only what happened to her in Ontario in the last four months of her life is to ignore some of the most tragic, demeaning circumstances that she was placed in."

In a letter to the Office of the Chief Coroner, Falconer said "each transfer and institution" contributed to the dangerous circumstances that led to Smith's death in October 2007.

"Examining what happened at Grand Valley Institution will not tell the story of how Ashley died," Falconer wrote, adding that the circumstances that led to Ashley Smith's death "cannot be isolated to the events that took place in Ontario."

Family should seek standing, coroner's office says

The family has refused to seek standing at the inquest because they feel the scope is too limited. But that refusal has limited their access to information from the coroner's office.

The office of Dr. Andrew McCallum, the Chief Coroner of Ontario, issued a statement that said it would be "inappropriate" for the coroner's office to meet independently with the family if they haven't sought standing.

"If a party with standing has concerns about the scope of an inquest, they can bring a motion regarding their concerns to the presiding coroner," the statement said.

The statement said the flow of information to people without standing is limited during the inquest, but it said that once an inquest has concluded, the coroner's office is available to meet with the family and share information.

Falconer told CBC News he had never heard of a rule preventing the coroner from speaking to the family if they weren't participating in the inquest.

"I have never seen this kind of position taken," Falconer said. "At no time should a family ever feel that the door is closed to them to meet with officials to discuss an inquest into their loved one's death."

CBC's *The Fifth Estate* recently obtained video shot by prison staff in New Brunswick showing Smith being pepper-sprayed and about to be jolted with a stun gun in her cell.

New Brunswick's provincial ombudsman said Smith was transferred to a federal prison because prison officials believed it would be better for her, and because provincial prison staff were having a difficult time managing her erratic behaviour - behaviour that records show continued once she was transferred to Ontario.

Jason Godin, the Ontario president of the guards' union, said guards who went to Smith's aid were occasionally attacked. He said members were eventually told not to enter her cell "until she stopped breathing."

Smith was spotted with a ligature around her neck on Oct. 19, 2007, but guards didn't enter her cell until it was too late.